

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Second Amended
Complaint
(See Dkt. 11 at 4)

Stevens Lesane

Write the full name of each plaintiff.

No. 21-CV-4746 (KPF)
(To be filled out by Clerk's Office)

-against-

NYPD undercover officer no. 152
Detective Luis Batista, Shield no. 1404
Retired Detective Daniel Smith
Detective Edwin Martinez, Shield no. 1177

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

COMPLAINT

(Prisoner)

Do you want a jury trial?

Yes No

Plaintiff
MAR 01 2022

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Steven

First Name

Cesane

Middle Initial

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

FCI Hazelton, Federal Correctional Institution

Current Place of Detention

P.O. Box 5000

Institutional Address

Bruceton Mills

County, City

West Virginia

State

26525

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

Pretrial detainee
 Civilly committed detainee
 Immigration detainee
 Convicted and sentenced prisoner
 Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

<u>NYPD Undercover Officer No. 152</u>		
First Name	Last Name	Shield #

<u>Undercover officer</u>

Current Job Title (or other identifying information)

<u>1 police plaza, Room 120A</u>

Current Work Address

<u>New York</u>	<u>New York</u>	<u>10038</u>
County, City	State	Zip Code

Defendant 2:

<u>Luis</u>	<u>Batista</u>	<u>1404 (Detective)</u>
First Name	Last Name	Shield #

<u>Detective</u>

Current Job Title (or other identifying information)

<u>1 police plaza, Detective Bureau, Room 120A</u>
--

Current Work Address

<u>New York</u>	<u>New York</u>	<u>10038</u>
County, City	State	Zip Code

Defendant 3:

<u>Daniel</u>	<u>Smith</u>	<u>N/A</u>
First Name	Last Name	Shield #

<u>Retired Detective</u>

Current Job Title (or other identifying information)

<u>1 police plaza, Room 120A</u>

Current Work Address

<u>New York</u>	<u>New York</u>	<u>10038</u>
County, City	State	Zip Code

Defendant 4:

<u>Edwin</u>	<u>Martinez</u>	<u>1177 1177 (Detective)</u>
First Name	Last Name	Shield #

<u>Detective</u>

Current Job Title (or other identifying information)

<u>Information technology Bureau investigations unit, 1 police plaza</u>	<u>110A</u>
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Current Work Address

<u>New York</u>	<u>New York</u>	<u>10038</u>
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 2291 New England Thruway, Bronx, N.Y.

Date(s) of occurrence: June 1, 2016 - June 4, 2018

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

See additional pages (Attachment)

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

See additional pages (Attachment)

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

See additional pages (attachment)

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

February, 23, 2022

Dated

Steven

First Name

Middle Initial

Last Name

FCI Hazelton, Federal Correctional Institution, po. Box 5000

Prison Address

Bruceton Mills

County, City

WV

State

26525

Zip Code

Steven Lene

Plaintiff's Signature

Lesane

Date on which I am delivering this complaint to prison authorities for mailing:

Feb-23-2022

Second Amended Complaint

Attachment

PG. 4

v.) Statement of Claim

Facts:

State here briefly the facts that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages if necessary.

On or about June 10, 2016 at approximately 1:00pm within the vicinity of 2291 New England Thruway Bronx, N.Y., NYPD undercover officer no. 152, Detective Luis Batista, Shield no. 1404, Retired Detective Daniel Smith, and Detective Edwin Martinez, Shield no. 1177 of the 43rd precinct located on Ft. Totten Ave., Bronx, N.Y. unlawfully with no legal justification approached and falsely arrested the plaintiff was imprisoned and held at Central Booking located in Bronx County Courthouse and held on these charges 221.05 unlawful possession of marijuana,

221.40 Criminal Sale of Marijuana, and 230.20 promoting prostitution 4th Degree. The plaintiff was arraigned 2 days later still in custody in Central Booking located in Bronx County Courthouse, during arraignment the plaintiff was released on his own recognizance.

Specifically on the date and time above within the vicinity of the above referenced location when NYPD undercover officer no. 152, Detective Luis Batista, Shield no. 1404, Retired Detective Daniel Smith, and Detective Edwin Martinez, Shield no. 1177 of the 43rd precinct located on Atley ave, Bronx, N.Y. had no legal justification to arrest the plaintiff. The plaintiff was apprehended by Detective Batista, Shield no. 1404 and was placed in handcuffs and arrested. Retired Detective Daniel Smith put the plaintiff in the van and drove the plaintiff around for several hours before taking the plaintiff to the 43rd precinct on Atley ave, located in Bronx County, N.Y. The plaintiff was then pat searched and then subjected to strip search, the plaintiff asked someone at the police station why he was being detained. It was alleged later on at arraignment that

the Plaintiff was observed Knocking on a door and then approached by NYPD undercover officer no. 152 also known as "The Ghost" Description Tall, BrownSkin, Long Dreads, Also Confirmation from Detective Edwin Martinez, Shield no. 1177, Description Tall, Latino, Baseball Cap.

This Case was presented in front of Honorable Judge Wong of Bronx County Criminal Courthouse, The Plaintiff attended all Court appearances without being indicted by a grand jury. During numerous Court proceedings the assistant district attorney of Bronx County Criminal Courthouse alleged that NYPD undercover officer no. 152, Detective Luis Battista, Shield no. 1404, Retired Detective Daniel Smith, and Detective Edwin Martinez, Shield no. 1177 of the 43rd precinct had audio of the Plaintiff. The Plaintiff attorney at the time "Kueber Fernandez" of Bronx Defenders in Bronx County Stated on Record that the Plaintiff would not take a plea and insisted on going to trial. This Case was ongoing for the next 2 years, which eventually proceeded to trial in front of the Honorable Judge Wong of Bronx County Criminal Courthouse Court App5. The Plaintiff was

denied his right to a fair trial in front of a jury even the defense Counsel for the Plaintiff argued that the Plaintiff has a Constitutional right to a fair trial, the Plaintiff rights were denied and a bench trial was held. The justification was NYPD undercover officer no. 152 "The Ghost" request, who Swears under oath as "The Ghost". The request consisted for a Close Courtroom and for no one to enter at anything of the trial. NYPD Undercover officer No.152 "The Ghost" has participated in numerous Operations and Stings, Also Contacted numerous individuals during the course of his career and he used his past arrest processing record as leverage, NYPD undercover officer no. 152 "The Ghost" testified against the Plaintiff and did not produce any evidence in the form of narcotics or marked cash to support or corroborate the alleged crime charged of N.Y.P.L. 221.40, nor produced any video footage/Recorded Audio to support the allegations made by the NYPD undercover officer no.152, Detective Luis Battista, Shield no.1404, Retired Detective Daniel Smith, and Detective Edwin Martinez, Shield no.1177. The ordered the Assistant District Attorney to produce the remaining

witnesses (Detective Luis Batista, Shield no: 1404, Retired Detective Daniel Smith, and Detective Edwin Martinez, Shield no: 1177. After the Judge finding of the NYPD mishandling of the Case among other things, The Court Concluded the Plaintiff was innocent and ordered the Plaintiff Case to be dismissed on June 4, 2018.

Case Disposition Information: 06/04/2018

Court Action: Dismissed and Sealed

Judge: Wang, F

Part: Aps

Certificate of Disposition number: 159149

The plaintiff has previously filed a Claim with the City's Comptroller office Claim no: 2018P1025700 and attended a 50-h hearing which was undecided and at the time represented by the Law Office of Katherine E. Smith, 233 Broadway Suite 900 New York, NY 10279. In 2016 the plaintiff Settled out for \$12,500 against the 043 precinct which the plaintiff was represented by the above mentioned attorney as well. Katherine E. Smith from the Law office of Katherine E. Smith.

Attachment

PG. 5A

Injuries:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any you required and received.

- A.) Malicious prosecution by NYPD, NYPD undercover officer no. 152, Detective Luis Batista, Shield no. 1404, Retired Detective Daniel Smith, and Detective Edwin Martinez, Shield no. 1177, 043 precinct.
- B.) Abuse of process
- C.) illegal Strip Search

Attachment

ps. 5b

Relief:

VI.) State briefly what money damages or other relief you want the Court to order.

For the reason Stated in the Second amended Complaint's Statement of Claim, the plaintiff Seeks the Court to award and order treble damages, in Compensation of a total of \$10,000,000.00 for the

- 1.) loss of property
- 2.) loss of potential earned income
- 3.) emotional distress
- 4.) bad publicity, Causing Defamation of Character
- 5.) exposure to potential bodily harm.

Hazleton
1 Correctional Institution
Box 5000
WV 26525

ATTNS:
KATHARINE POLK FAILLA

(District Judge)

ATTN: Hon. Katherine Polk Failla

Legal mail

